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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION, Plaintiff, v. ALFA SCIENTIFIC DESIGNS, INC.; NAISHU WANG, M.D., Ph.D.; and DAVID F. H. ZHOU, M.D., Ph.D., Defendants.	Case No. 00CV 0081 BTM (NLS) **STIPULATED FINAL ORDER FOR PERMANENT INJUNCTION**

On January 13, 2000, plaintiff, the Federal Trade Commission ("FTC" or "Commission"),

filed a complaint for permanent injunction and other relief, pursuant to Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b), against Alfa Scientific Designs, Inc. The complaint was subsequently amended to name Naishu Wang, M.D., Ph.D., President of Alfa Scientific Designs, Inc.; and David F. H. Zhou, M.D., Ph.D., an officer and director of Alfa Scientific Designs, Inc., as defendants.

The Commission and defendants have stipulated to the entry of this Final Order for Permanent Injunction ("Order") in settlement of the Commission's complaint against defendants. The Court, being advised in the premises, finds as follows:

FINDINGS

1. In its complaint, the Commission alleged that defendants violated Sections 5(a) and 12 of the FTC Act, 15 U.S.C. § § 45(a) and 52. The Commission sought permanent injunctive relief for alleged deceptive acts or practices by defendants in connection with the marketing and sale of tests that purportedly detected the human immunodeficiency virus in human blood.

2. The Commission has the authority under Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), to seek the relief it has requested.

3. This Court has jurisdiction over the subject matter of this case, and jurisdiction over defendants. Venue in the Southern District of California is proper, and the complaint states a claim upon which relief can be granted against the defendants under Sections 5(a), 12, and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a), 52, and 53(b).

4. The activities of defendants as alleged in the Commission's complaint were or are

in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

5. The Commission and defendants stipulate and agree to this Order, without trial or final adjudication of any issue of fact or law, to settle and resolve all matters in dispute arising from the complaint to the date of entry of this Order. By entering this stipulation, defendants do not admit or deny any of the allegations set forth in the complaint, other than jurisdictional facts.

6. Defendants waive all rights to seek judicial review or otherwise challenge or contest the validity of this Order. Defendants also waive any claim that they may have held under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action to the date of this Order. Each party to this Order shall bear its own costs and attorneys' fees incurred in connection with this action.

7. Entry of this Order is in the public interest.

8. Pursuant to Federal Rule of Civil Procedure 65(d), the provisions of this Order are binding upon defendants, and their officers, agents, servants, employees and attorneys, and all other persons or entities in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise.

ORDER

I. DEFINITIONS

IT IS THEREFORE STIPULATED AND ORDERED, that, for the purposes of this Order, the following definitions shall apply:

A. "Defendants" shall mean:

1. Alfa Scientific Designs, Inc. ("ASD"), its divisions and subsidiaries, and its

successors or assigns;

2. Naishu Wang, M.D., Ph.D. ("Wang"), individually and in her capacity as President of ASD;

3. David F. H. Zhou, M.D., Ph.D., ("Zhou"), individually and in his capacity as a director or officer of ASD; and

4. Any combination of the foregoing.

B. "Participating associates" shall refer to defendants' officers, agents, servants, employees, and all those persons or entities in active concert or participation with defendants who receive actual notice of this Order by personal service or otherwise.

C. "Human immunodeficiency virus" ("HIV") shall refer to all types or strains of the virus that causes acquired immunodeficiency syndrome ("AIDS"), an infectious disease characterized by immune system failure.

D. "HIV test" shall refer to any product that is advertised, marketed, promoted, offered for sale, distributed or sold with express or implied representations that the product will or may detect the presence of HIV in any human, including but not limited to the "ASD HIV 1 / 2 Rapid Test" and any other substantially similar product.

E. "Device" shall mean "device" as defined in Section 15(d) of the FTC Act, 15 U.S.C. § 55(d).

F. "Unapproved device" shall mean any device that is not approved by the U.S. Food

and Drug Administration ("FDA"), pursuant to the Federal Food, Drug and Cosmetic Act ("FD&C Act") and Title 21 of the Code of Federal Regulations ("21 C.F.R."), for sale, distribution, or delivery within the United States.

G. "Competent and reliable scientific evidence" means tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the professions to yield accurate and reliable results.

H. "Premarketing Approval" ("PMA") means PMA pursuant to the FD&C Act and 21 C.F.R.

I. "Investigational Device Exemption" ("IDE") means an IDE pursuant to the FD&C Act and 21 C.F.R.

J. "Tier 1 Country" means Australia, Austria, Canada, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, New Zealand, Norway, South Africa, Spain, Sweden, Switzerland, the United Kingdom, or any other country appearing in Section 802(b)(1)(A) of the FD&C Act, 21 U.S.C. § 382(b)(1)(A).

K. "Certificate of Exportability" means a certificate obtained from the FDA pursuant to Section 801(e)(4) of the FD&C Act, 21 U.S.C. § 381(e)(4).

L. "Document(s)" or "record(s)" shall refer to

1. The original or a true copy of any written, typed, printed, electronically

stored, transcribed, taped, recorded, filmed, punched, or graphic matter or other data compilations of any kind, including, but not limited to, letters, e-mail or other correspondence, messages, memoranda, interoffice communications, notes, reports, summaries, manuals, magnetic tapes or discs, tabulations, books, records, checks, invoices, workpapers, journals, ledgers, statements, returns, reports, schedules, or files; and

2. Any information stored on any desktop personal computer ("PC") and workstations, laptops, notebooks, and other portable computers, whether assigned to individuals or in pools of computers available for shared use; and home computers used for work-related purposes; backup disks and tapes, archive disks and tapes, and other forms of offline storage, whether stored onsite with the computer used to generate them, stored offsite in another company facility or stored offsite by a third-party, such as in a disaster recovery center; and computers and related offline storage used by defendants' participating associates, which may include persons who are not employees of the company or who do not work on company premises.

M. The terms "and" and "or" in this Order shall be construed conjunctively or disjunctively as necessary, to make the applicable sentence or phrase inclusive rather than exclusive.

N. The term "including" shall mean "without limitation."

O. Any requirement that defendants "notify" or "provide" any information or material

to the Commission, shall mean that defendants shall send the necessary information or material via first-class mail, costs prepaid, to:

Associate Director for Advertising Practices
Federal Trade Commission
600 Pennsylvania Ave., N.W., Room S-4002
Washington, DC 20580
Attn: FTC v. Alfa Scientific Diagnostic Systems, Inc. et al.,
Matter No. X000054

II. BAN ON CERTAIN ACTIVITIES

IT IS FURTHER STIPULATED AND ORDERED that defendants and their participating associates, and each of them, are permanently enjoined from engaging, participating, or assisting in any manner or capacity whatsoever, directly, or indirectly, in concert with others, or through any business entity or other entity, in the advertising, marketing, promotion, offering for sale, distribution, or sale of any unapproved HIV test; *provided, however,* that nothing in this Order shall prohibit defendants, upon no less than three (3) business days notice to the Commission in the form shown on Appendix A, from engaging in the:

A. advertising, marketing, promotion, offering for sale, distribution, or sale of any unapproved HIV test within the United States pursuant to, and in conformity with:

1. an approved IDE, *and* for the sole purpose of conducting a clinical investigation or research to determine the safety or effectiveness of the unapproved HIV test; *or*

2. an approved PMA.

B. advertising, marketing, promotion, offering for sale, distribution, or sale of any unapproved HIV test to any country outside of the United States, provided that at the time of such advertising, marketing, promotion, offering for sale, distribution, or sale defendants act pursuant to, and in conformity with, all the relevant laws and regulations of that country *and* pursuant to, and in conformity with,

1. an approved IDE for that country, *and* for the sole purpose of conducting a clinical investigation or research to determine the safety or effectiveness of the unapproved HIV test; *or*

2. an approved PMA for that unapproved HIV test; *or*

3. marketing authorization for the unapproved HIV test from a Tier One Country, pursuant to the FD&C Act, *provided that*:

   a. the country to which the defendants intend to export the unapproved HIV test accepts the authorization of that Tier One Country; *and*

   b. defendants obtain a Certificate of Exportability for that country from the FDA prior to the exportation of the unapproved HIV test to that country.

Nothing in this Section shall be construed to override or invalidate any law or regulation of the United States or its agencies, or any other jurisdiction.

III. PROHIBITED BUSINESS ACTIVITIES

IT IS FURTHER STIPULATED AND ORDERED that defendants and their participating

associates, directly or indirectly, or acting through any corporation, entity or person under their control, are permanently enjoined from:

A. Making, or assisting others in making, directly or by implication, any false or misleading oral or written statement or representation in connection with the advertising, marketing, promotion, offer for sale, distribution, or sale of any HIV test or unapproved device, including misrepresenting, in any manner, directly or by implication, the accuracy or efficacy of any HIV test or unapproved device;

B. Making, or assisting others in making, any representation, in any manner, directly or by implication, regarding the accuracy or efficacy of any HIV test or unapproved device, including any implied representation that such HIV test or unapproved device is fit for its intended use, unless, at the time of making such representation, defendants possess and rely upon competent and reliable scientific evidence that substantiates the representation;

C. Misrepresenting, in any manner, directly or by implication, that the U.S. Food and Drug Administration or any other local, state, regional, national or international government or public health organization has reviewed, evaluated, is affiliated with, or otherwise endorses or supports, any HIV test or unapproved device; and

D. Misrepresenting, in any manner, directly or by implication, any other fact material to a customer's decision to purchase any HIV test or unapproved device.

IV. NOTICE TO PAST PURCHASERS

IT IS FURTHER STIPULATED AND ORDERED that, within ten (10) days of entry of

this Order, defendants shall send by first class mail the notice set forth in Appendix B to this Order to any person or entity who purchased any of defendants' HIV tests between February 1, 1998 to the date of entry of this Order. A list of all persons or entities that received such notice shall be provided to the Commission sixty (60) days after the date of entry of this Order.

V. PRESERVATION OF RECORDS

IT IS FURTHER STIPULATED AND ORDERED that, for a period of five (5) years from the date of entry of this Order, defendants and their participating associates, in connection with defendant ASD and any business where (1) defendant Wang or defendant Zhou is the majority owner or an officer or director of the business, or directly or indirectly manages or controls the business and where (2) the business engages in the advertising, marketing, promotion, offering for sale, distribution or sale of any HIV test or unapproved device, are permanently enjoined from failing to create, or have such business create, and from failing to retain for a period of five (5) years following the date of such creation, unless otherwise specified:

A. All documents evidencing or referring to the accuracy or efficacy of any HIV test or unapproved device advertised, marketed, promoted, offered for sale, distributed or sold by defendants, including, but not limited to, all tests, reports, studies, demonstrations, or other evidence that confirm, contradict, qualify, or call into question the accuracy or efficacy of such HIV test or unapproved device;

B. All documents referring or relating to the advertisement, marketing, promotion, offering for sale, distribution or sale of any unapproved HIV test by defendants, including, but not limited to any PMA, IDE, Certificate of Exportability, or

marketing authorization.

C. Books, records and accounts that, in reasonable detail, accurately and fairly reflect the cost of HIV tests or other unapproved devices and revenues generated;

D. Records accurately reflecting: the name, address, and telephone number of each person employed by defendants, including as an independent contractor, who is engaged in the advertising, marketing, promotion, offer for sale, distribution, or sale of any HIV test or unapproved device; that person's job title or position; the date upon which the person commenced work; and the date and reason for the person's termination, if applicable;

E. Records containing the names, addresses, telephone numbers, dollar amounts paid, quantity of items or services purchased, and description of items or services purchased, for all purchasers to whom defendants has sold, invoiced or shipped any HIV test or unapproved device;

F. Records that reflect, for every customer complaint or refund request relating to any HIV test or unapproved device, whether received directly or indirectly or through any third party: (1) the customer's name, address, telephone number and the dollar amount paid by the customer; (2) the written complaint or refund request, if any, and the date of the complaint or refund request; (3) the basis of the complaint, including the name of any defendant or participating associate complained against, and the nature and result of any investigation conducted concerning any complaint; (4) each response and the date of the response; (5) any

final resolution and the date of the resolution; and (6) in the event of a denial of a refund request, the reason for the denial; and

G. Copies of all advertisements, promotional materials, sales scripts, training materials, or other marketing materials utilized relating to any HIV test or unapproved device.

VI. MONITORING

IT IS FURTHER STIPULATED AND ORDERED, in order to monitor compliance with this Order, that:

A. Within five (5) days of the entry of this Order, defendants Wang and Zhou shall each notify the Commission of (1) her or his residence address and mailing address; (2) her or his telephone number(s); (3) the name, address and telephone number of her or his employers; (4) the full names of her or his employer's principals; (5) if applicable, the names of her or his supervisors; and (6) a description of her or his employer's activities, and defendant's duties and responsibilities;

B. For a period of five (5) years from the date of entry of this Order, defendants Wang and Zhou shall each notify the Commission within ten (10) business days of any changes in her or his residence or mailing addresses, or employment involving the advertising, marketing, promotion, offer for sale, distribution, or sale of any HIV test or unapproved device. Notice of changes in employment shall include: (1) the new employer's name, address and telephone number; (2) the full names of

the employer's principals; (3) if applicable, the names of defendant's supervisor(s), and (4) a description of the employer's activities, and defendant's duties and responsibilities;

C. For a period of five (5) years from the date of entry of this Order, defendants shall deliver the notice set forth in Appendix C to this Order to all current and future principals, officers, directors, and managers, and to all current and future employees, agents, and customers involved in the advertising, marketing, promotion, offering for sale, distribution or sale of any HIV test or unapproved device. Defendants shall deliver the notice set forth in Appendix C to this Order to current personnel within ten (10) days after the date of service of this Order, and to future personnel within ten (10) days after the person assumes such position or responsibilities;

D. Within thirty (30) days after entry of this Order, defendants shall send by first class mail a notice, in the form shown on Appendix C, to each of their distributors involved in the advertising, marketing, promotion, offering for sale, distribution or sale of any HIV test or unapproved device with whom defendants have done business since February 1, 1998. Defendants shall require each distributor to execute and return the original of the letter as a condition of remaining or once again becoming a distributor for defendants.

E. Sixty days (60) days after the date of entry of this Order, defendants shall provide a written report to the Commission, signed under penalty of perjury, detailing their

past and present efforts to comply with this Order;

F. For a period of five (5) years from the date of entry of this Order, defendants shall notify the Commission of any proposed change in the structure of defendant ASD, such as dissolution, assignment, sale, merger, creation or dissolution of subsidiaries, proposed filing of a bankruptcy petition, or change in the business or corporate name or address, or any other change that may affect compliance obligations arising out of this Order, thirty (30) days prior to the effective date of any proposed change; *provided, however,* that, with respect to any proposed change in ASD about which defendants learn less than thirty (30) days prior to the date such action is to take place, defendants shall notify the Commission as soon as is practicable after learning of such proposed change;

G. For a period of five (5) years from the date of entry of this Order, defendants shall notify the Commission, in writing, of any complaint or refund request defendants receive, whether received directly or indirectly or through any third party, related to the efficacy or accuracy of any HIV test or unapproved device advertised, marketed, promoted, offered for sale, distributed or sold by defendants or their participating associates, directly or indirectly, or acting through any corporation, entity or person under their control. Such notification shall be made, in writing, to the Commission within three (3) business days of receipt by defendants and shall include, but is not limited to, the following:

1. a true and exact copy of the written complaint or refund request, including

any documents accompanying the written complaint or refund request; if the complaint or refund request is made orally, such oral request shall be fully memorialized in writing by defendants and provided to the Commission;

2. the name, address, telephone number, and e-mail address of the person or entity making the complaint or refund request received by defendants;

3. the basis of the complaint or refund request, including the name of any defendant or participating associate complained against, the lot number of the HIV test or unapproved device complained against, and the nature and result of any investigation conducted concerning any complaint;

4. each response and the date of the response; and

5. in the event of a denial of a refund request, the reason for the denial.

If defendants are unable, despite good faith efforts, to provide the Commission with any of the information enumerated in Section VI(F)(1-5) within three (3) business days of receipt by defendants of any such complaint or refund request, defendants shall provide the Commission, in writing, with the reason(s) for their inability to provide the Commission with such information. Defendants shall provide the Commission with any supplemental materials within two (2) business days after receipt.

I. For a period of five (5) years from the date of entry of this Order, defendants shall permit representatives of the Commission, within forty-eight (48) hours of receipt

of written notice from the Commission:

1. access during normal business hours to any office, or facility storing any HIV test or unapproved device advertised, marketed, promoted, offered for sale, distributed or sold by defendants or their participating associates, directly or indirectly, or acting through any corporation, entity or person under their control, to inspect and randomly select for testing by an expert designated by the Commission at least ten (10) HIV tests or unapproved devices from each lot number then present at such office or facility;

2. access during normal business hours to any office, or facility storing documents, of any business owned by defendants or of which any defendant is a principal, director, officer, partner, or other controlling party, to inspect and copy all documents belonging to such business or defendants relating to the advertising, marketing, promotion, offer for sale, distribution, or sale of any HIV test or unapproved device; and shall permit Commission representatives to remove documents relating to the advertising, marketing, promotion, offer for sale, distribution, or sale of any HIV test or unapproved device for a period not to exceed five (5) business days so that the documents may be inspected, inventoried, and copied;

3. refrain from interfering with any duly authorized representatives of the Commission reasonably interviewing defendants' employers, employees

(whether designated as employees, consultants, independent contractors or otherwise), or agents, about any matter relating to the advertising, marketing, promotion, offer for sale, distribution, or sale of any HIV test or unapproved device; *provided however* that nothing in this subsection shall limit defendants, or defendants' employers, employees, or agents from having present, consulting with, and following the advice of legal counsel; and

4. upon reasonable written request by any duly authorized representative of the Commission, submit written reports (under oath, if requested), and produce documents, on five (5) days notice, relating to the advertising, marketing, promotion, offer for sale, distribution, or sale of any HIV test or unapproved device;

J. The Commission is authorized to monitor the compliance of defendants with this Order by all lawful means, including but not limited to the following means:

1. The Commission is authorized, without further leave of court, to obtain discovery from any person in the manner provided by Chapter V of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 26-37, including the use of compulsory process pursuant to Fed. R. Civ. P. 45, for the purpose of monitoring and investigating the compliance of defendants with this Order;

2. The Commission is authorized to use representatives posing as customers and suppliers to defendants, to the employees of defendants, or to any

other entity managed or controlled in whole or in part by defendants, without the necessity of identification or prior notice; and

3. Nothing in this Order shall limit the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§49, 57b-1, to investigate whether defendants have violated any provision of this Order or Sections 5 or 12 of the FTC Act, 15 U.S.C. §§45, 52.

VII. COOPERATION WITH THE COMMISSION

IT IS FURTHER STIPULATED AND ORDERED that defendants shall, in connection with this action or any subsequent Commission investigations related to or associated with the transactions or the occurrences that are the subject of the Commission's complaint, cooperate in good faith with the Commission and appear at such places and times as the Commission shall reasonably request, after written notice to defendants or their counsel of record, for interviews, conferences, pretrial discovery, review of documents, and for such other matters as may be reasonably requested by the Commission; *provided, however,* defendants shall not be deemed to have waived any rights or defenses they may have under law governing discovery or admissibility of evidence in any action brought against defendants. If requested in writing by the Commission, defendants shall appear and provide truthful testimony in any trial, deposition, or other proceeding related to or associated with the transactions or the occurrences that are the subject of the Complaint, without the service of a subpoena.

VIII. ACKNOWLEDGMENT OF RECEIPT OF ORDER

IT IS FURTHER STIPULATED AND ORDERED that, within five (5) business days after receipt by defendants of this Order as entered by the Court, defendant Wang, individually and on behalf of defendant ASD, and defendant Zhou, shall each execute and submit to the Commission a truthful sworn statement, in the form shown on Appendix D, that shall acknowledge receipt of this Order.

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IX. RETENTION OF JURISDICTION

IT IS FURTHER STIPULATED AND ORDERED that this Court shall retain jurisdiction of this matter for purposes of construction, modification and enforcement of this Order.

SO STIPULATED:

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Individually and on behalf of
Alfa Scientific Designs, Inc.

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Individually and as an officer and director
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Attorneys for Defendants
ALFA SCIENTIFIC DESIGNS, INC.,
NAISHU WANT, M.D., Ph.D. and
DAVID ZHOU, M.D., Ph.D.

IT IS SO ORDERED, this _____ day of _____, 2000.

THE HONORABLE BARRY TED MOSCOWITZ
UNITED STATES DISTRICT COURT

APPENDIX A

[To Be Printed on Defendant's Letterhead]

TO: Federal Trade Commission

FROM: [NAME OF DEFENDANT]

[DATE]:

RE: Matter No. X000054

Pursuant to Section II of the Stipulated Final Order, this notice serves to inform you that *[name of defendant]* intends to [*advertise, market, promote, offer for sale, distribute, or sell*] an unapproved HIV test to *[name, address, telephone number and e-mail address of person or organization, if applicable]*.

Enclosed please find the following supporting documents (check all that apply):

_____ copy of PMA

_____ copy of IDE

_____ copy of Certificate of Exportability

_____ copy of Tier One Country marketing authorization.

Sincerely,

[*Name of Sender]*

APPENDIX B

[To Be Printed on Defendant's Letterhead]

[NAME AND ADDRESS OF RECIPIENT]

[DATE]

Dear [RECIPIENT'S NAME]:

The United States Federal Trade Commission (FTC) alleged that some of the HIV rapid tests distributed by Alfa Scientific Designs, Inc. ("ASD") gave a negative result when tested on a patient under clinical care known to be HIV positive.

ASD has signed a settlement agreement with the Federal Trade Commission which was entered by the United States District Court of the Southern District of California *[date of entry of the Stipulated Final Order]*. This agreement is for settlement purposes only and does not constitute an admission by ASD of any wrongdoing.

Sincerely,

Naishu Wang, M.D., Ph.D., President
Alfa Scientific Designs, Inc.

APPENDIX C

[To Be Printed on Defendant's Letterhead]

[NAME AND ADDRESS OF DISTRIBUTOR]

[DATE]

Dear [DISTRIBUTOR]:

[*Name of Defendant*] has settled a civil dispute with the United States Federal Trade Commission ("FTC") involving advertising claims for HIV rapid tests. The FTC alleged that some of the HIV rapid tests distributed by Alfa Scientific Designs, Inc. ("ASD") gave a negative result when tested on a patient under clinical care known to be HIV positive. We do not admit that the FTC's allegations are true, but as part of the settlement, we have agreed to make sure that all of our distributors follow the guidelines set forth in the settlement agreement which was entered by the United States District Court for the Souther District of California on *[date]*.

In accordance with the settlement, we have agreed to make no claims about the accuracy of efficacy of any HIV test or device not approved by the United States Food and Drug Administration ("Products") unless those claims are supported by scientific evidence. We therefore require that our distributors:

- **NOT** use, rely on or distribute any advertising or promotional materials for our Products unless those materials have been reviewed and approved by ASD; and

- **NOT** use any advertising or promotional materials containing unsubstantiated claims and NOT to make unsubstantiated oral representations for any of our Products.

We also ask that you notify any of your retail or wholesale customers **NOT** to make any unsubstantiated claims for our Products and expect that you will monitor their compliance with this requirement. In the event that you fail to comply with our requirements, then we will stop doing business with you.

These conditions are material parts of the agreement under which we will supply our Products to you. Please sign, date, and return this letter to [*defendant*] at the above address acknowledging your agreement to the terms set forth herein.

Thank you very much for your assistance,

[*Defendant's signature*]

ACKNOWLEDGMENT AND AGREEMENT

The undersigned acknowledges receipt of this letter and hereby agrees to its terms and conditions.

_____	_____
Date	Signature

APPENDIX D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

Case No. 00CV 0081 BTM (NLS)

ALFA SCIENTIFIC DESIGNS, INC., et al.,

AFFIDAVIT OF [DEFENDANT]

Defendants.

[Name of Defendant] being duly sworn, hereby states and affirms as follows:

1. My name is [*name of defendant*]. I am a defendant in the above-captioned civil action. I am a citizen of the United States and am over the age of eighteen. I have personal knowledge of the facts set forth in this Affidavit, and if called as a witness, I could and would competently testify as to the matter stated herein.

2. My current business address is _____. My current business telephone number is _____. My current residential address is _____. My current residential telephone number is _____.

3. On [date], I received, individually [and for defendant Wang "and on behalf of Alfa Scientific Designs, Inc."], a copy of the Stipulated Final Order for Permanent Injunction, which was signed by the Honorable [name of Judge] and entered by the Court on [date of entry of

Order]. A true and correct copy of the Order that I received is appended to this Affidavit.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on [date], at [city and state].

_____
[Name of Defendant]

BEFORE ME this day personally appeared [name of defendant], who being first duly sworn, deposes and says that he has read and understands the foregoing statement and that he has executed the same for the purposes contained therein.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2000, by [name of defendant]. He is personally known to me or has presented (state identification) _____ _____ as identification.

_____
PRINT NAME

NOTARY PUBLIC,
STATE OF _____

Commission Number
My Commission Expires: _____

Affix Seal